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Fishery Leaflet
#55

UNITED STATES DEPARTMENT OF THE INTERIOR, Stewart L. Udall, Secretary
James K. Carr, Under Secretary
Frank P. Briggs, Assistant Secretary for Fish and Wildlife
FISH AND WILDLIFE SERVICE, Clarence F. Pautzke, Commissioner
BUREAU OF COMMERCIAL FISHERIES, Donald L. McKernan, Director

Fishery Leaflet 557

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FISH & WILDLIFE SERVICE

FISH AND WILDLIFE ACT OF 1956, AS AMENDED[1/]

(An Excerpt from Title 16 of the United States Code)

Sec. 742a. Declaration of policy.

The Congress declares that the fish, shellfish, and wildlife resources of the Nation make a material contribution to our national economy and food supply, as well as a material contribution to the health, recreation, and well-being of our citizens; that such resources are a living, renewable form of national wealth that is capable of being maintained and greatly increased with proper management, but equally capable of destruction if neglected or unwisely exploited; that such resources afford outdoor recreation throughout the Nation and provide employment, directly or indirectly, to a substantial number of citizens; that the fishing industries strengthen the defense of the United States through the provision of a trained seafaring citizenry and action-ready fleets of seaworthy vessels; that the training and sport afforded by fish and wildlife resources strengthen the national defense by contributing to the general health and physical fitness of millions of citizens; and that properly developed, such fish and wildlife resources are capable of steadily increasing these valuable contributions to the life of the Nation.

The Congress further declares that the fishing industry, in its several branches, can prosper and thus fulfill its proper function in national life only if certain fundamental needs are satisfied by means that are consistent with the public interest and in accord with constitutional functions of governments. Among these needs are:

(1) Freedom of enterprise--freedom to develop new areas, methods, products, and markets in accordance with sound economic

1/ Section 1 of the Act of August 8, 1956, provided that the Act, which enacted sections 742a-742d, 742e-742j of Title 16 of the United States Code, and amended section 713c-3(e) of Title 15 of the United States Code, should be popularly known as the "Fish and Wildlife Act of 1956." Section 713c-3 of Title 15 was enacted by the Act of July 1, 1954, which has come to be known as the Saltonstall-Kennedy Act or S-K Act. The text of this latter Act is available in Fishery Leaflet 556.

principles, as well as freedom from unnecessary administrative or legal restrictions that unreasonably conflict with or ignore economic needs;

(2) Protection of opportunity--maintenance of an economic atmosphere in which domestic production and processing can prosper; protection from subsidized competing products; protection of opportunity to fish on the high seas in accordance with international law;

(3) Assistance--assistance consistent with that provided by the Government for industry generally, such as is involved in promoting good industrial relations, fair trade standards, harmonious labor relations, better health standards and sanitation; and including, but not limited to--

(a) services to provide current information on production and trade, market promotion and development, and an extension service,

(b) research services for economic and technologic development and resource conservation, and

(c) resource management to assure the maximum sustainable production for the fisheries.

The Congress further declares that the provisions of sections 742a-742j of this title are necessary in order to accomplish the objective of proper resource development, and that such sections shall be administered with due regard to the inherent right of every citizen and resident of the United States to engage in fishing for his own pleasure, enjoyment, and betterment, and with the intent of maintaining and increasing the public opportunities for recreational use of our fish and wildlife resources, and stimulating the development of a strong, prosperous, and thriving fishery and fish processing industry. (Aug. 8, 1956, ch. 1036, Sec. 2, 70 Stat. 1119.)

Sec. 742b. United States Fish and Wildlife Service.

(a) Establishment; Assistant Secretary for Fish and Wildlife and Commissioner of Fish and Wildlife; Bureau of Commercial Fisheries and Bureau of Sport Fisheries and Wildlife.

There is established within the Department of the Interior the position of Assistant Secretary for Fish and Wildlife, and the position of Commissioner of Fish and Wildlife. Such Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the same rate as other Assistant Secretaries. The Commissioner shall be appointed by the President by and with the advice and consent of the Senate. There is also established a United States Fish and Wildlife Service within the Department, consisting of two separate agencies, each of which shall have the status of a Federal bureau. There shall be a Director of each of said Bureaus appointed by the Secretary. One

of the agencies shall be known as the "Bureau of Commercial Fisheries" and the other agency shall be known as the "Bureau of Sport Fisheries and Wildlife". The United States Fish and Wildlife Service, except as prescribed by sections 742a-742j of this title, shall succeed to and replace the presently existing Fish and Wildlife Service of the Department.

(b) Administration and supervision.

The functions of the United States Fish and Wildlife Service hereby established shall be administered under the supervision of the said Commissioner of Fish and Wildlife, who shall be subject to the supervision of the Assistant Secretary for Fish and Wildlife.

(c) Functions and responsibilities of Secretary of the Interior.

All functions and responsibilities placed in the Department of the Interior or any official thereof by sections 742a-742j of this title shall be included among the functions and responsibilities of the Secretary of the Interior, as the head of the Department, and shall be carried out under his direction pursuant to such procedures or delegations of authority as he may deem advisable and in the public interest.

(d) Distribution of functions, powers and duties of former Fish and Wildlife Service.

In order to make a proper distribution between the two Bureaus of the United States Fish and Wildlife Service established by sections 742a-742j of this title, the previously existing functions, powers, duties, authority, liabilities, commitments, personnel, records, and other properties or matters previously handled by or administered through the former Fish and Wildlife Service of the Department, shall be distributed as follows:

(1) The Bureau of Commercial Fisheries shall be responsible for those matters to which sections 742a-742j of this title apply relating primarily to commercial fisheries, whales, seals, and sea-lions, and related matters;

(2) The Bureau of Sport Fisheries and Wildlife shall be responsible for those matters to which sections 742a-742j of this title apply relating primarily to migratory birds, game management, wildlife refuges, sport fisheries, sea mammals (except whales, seals and sea-lions), and related matters; and the funds and allocations, appropriated or otherwise, relating to the matters covered by paragraphs (1) and (2) of this subsection shall be distributed between such Bureaus as the Secretary of the Interior shall determine.

(e) Rules and regulations.

Except as changed by the terms of sections 742a-742j of this title or by subsequent laws or regulations, all laws and regulations now in effect relating to matters heretofore administered by the Department of the Interior through the former Fish and Wildlife Service as heretofore existing, shall remain in effect.

(f) Administrative procedures.

In recognition of the need for authority to execute the purposes of sections 742a-742j of this title effectively, the Secretary of the Interior shall exercise such general administrative authority consistently with the terms of such sections as he shall find to be necessary to carry out the provisions of such sections effectively and in the public interest. In order to allow sufficient time to place the reorganizations under such sections into effect, the Secretary is authorized to establish an effective procedure and date of such reorganizations, notice of which shall be published in the Federal Register. Such reorganization shall be accomplished as soon as practicable after August 8, 1956, but not later than ninety (90) calendar days after August 8, 1956. (Aug. 8, 1956, ch. 1036, Sec. 3, 70 Stat. 1120; Oct. 4, 1961, Pub. L. 87-367, title I, Sec. 103(14), 75 Stat. 788; Oct. 11, 1962, Pub. L. 87-793, Sec. 607(a)(5), 76 Stat. 849.)

/Amendments/

/1962--Subsec. (a). Pub. L. 87-793 eliminated provisions which authorized the Commissioner to receive compensation at the same rate as that provided for grade GS-18.

/1961--Subsec. (a). Pub. L. 87-367 deleted "at Grades GS-17 each" following "by the Secretary."/

Sec. 742c. Loans for financing and refinancing of operations, maintenance, replacement, repair, and equipment of fishing gear and vessels, and for research.

(a) Authorization.

The Secretary is authorized under rules and regulations and under terms and conditions prescribed by him, to make loans for financing and refinancing of operations, maintenance, replacement, repair, and equipment of fishing gear and vessels, and for research into the basic problems of fisheries.

(b) Conditions.

Any loans made under the provisions of this section shall be subject to the following restrictions:

(1) Bear an interest rate of not less than 3 per centum per annum;

(2) Mature in not more than ten years;

(3) No financial assistance shall be extended pursuant to this section unless reasonable financial assistance applied for is not otherwise available on reasonable terms.

(c) Fisheries loan fund.

There is created a fisheries loan fund, which shall be used by the Secretary as a revolving fund to make loans for financing and refinancing under this section. Any funds received by the Secretary on or before June 30, 1965, in payment of principal or interest on any loans so made, shall be deposited in the fund and be available for making additional loans under this section. Any funds so received after June 30, 1965, and any balance remaining in the fund at the close of June 30, 1965 (at which time the fund shall cease to exist), shall be covered into the Treasury as miscellaneous receipts. There are authorized to be appropriated to the fund the sum of $20,000,000 to provide initial capital.

(d) Modification of loan contract.

The Secretary, subject to the specific limitations in this section, may consent to the modification, with respect to the rate of interest, time of payment of any installment of principal, or security, of any loan contract to which he is a party. (Aug. 8, 1956, ch. 1036, Sec. 4, 70 Stat. 1121; Sept. 2, 1958, Pub. L. 85-888, 72 Stat. 1710.)

/Amendments/

/1958--Subsec. (c) amended by Pub. L. 85-888 to increase authorization for $10,000,000 to $20,000,000./

Sec. 742d. Investigations; preparation and dissemination of information; reports.

The Secretary shall conduct continuing investigations, prepare and disseminate information, and make periodical reports to the public, to the President, and to Congress, with respect to the following matters:

(1) The production and flow to market of fish and fishery products domestically produced, and also those produced by foreign producers which affect the domestic fisheries;

(2) The availability and abundance and the biological requirements of the fish and wildlife resources;

(3) The competitive economic position of the various fish and fishery products with respect to each other, and with respect to competitive domestic and foreign-produced commodities;

(4) The collection and dissemination of statistics on commercial and sport fishing;

(5) The collection and dissemination of statistics on the nature and availability of wildlife, progress in acquisition of additional refuges and measures being taken to foster a coordinated program to encourage and develop wildlife values;

(6) The improvement of production and marketing practices in regard to commercial species and the conduct of educational and extension services relative to commercial and sport fishing, and wildlife matters;

(7) Any other matters which in the judgment of the Secretary are of public interest in connection with any phases of fish and wildlife operations.

(Aug. 8, 1956, ch. 1036, Sec. 5, 70 Stat. 1121.)

Sec. 742e. Transfer of functions, personnel, property, facilities, records, and funds; cooperation with other governmental agencies.

(a) There shall be transferred to the Secretary all functions of the Secretary of Agriculture, the Secretary of Commerce, and the head of any other department or agency, as determined by the Director of the Bureau of the Budget to relate primarily to the development, advancement, management, conservation, and protection of commercial fisheries; but nothing in this section shall be construed to modify the authority of the Department of State or the Secretary of State to negotiate or enter into any international agreements, or conventions with respect to the development, management, or protection of any fisheries and wildlife resources or with respect to international commissions operating under conventions to which the United States is a party.

(b) There shall be transferred to the Department of the Interior so much of the personnel, property, facilities, records, and unexpended balances of appropriations, allocations, and other funds (available or to be made available) as the Director of the Bureau of the Budget determines to be necessary in connection with the exercise of any functions transferred to the Secretary pursuant to subsection (a) of this section.

(c) The Secretary may request and secure the advice or assistance of any department or agency of the Government in carrying out the provisions of sections 742a-742j of this title, and any such department or agency which furnishes advice or assistance to the Secretary may expend its own funds for such purposes, with or without reimbursement from the Secretary as may be agreed upon between the Secretary and the department or agency. (Aug. 8, 1956, ch. 1036, Sec. 6, 70 Stat. 1122.)

Sec. 742f. Policies, procedures, and recommendations.

(a) The Secretary of the Interior, with such advice and assistance as he may require from the Assistant Secretary for Fish and Wildlife, shall consider and determine the policies and procedures that are necessary and desirable in carrying out efficiently and in the public interest the laws relating to fish and wildlife. The Secretary, with the assistance of the departmental staff herein authorized, shall--

(1) develop and recommend measures which are appropriate to assure the maximum sustainable production of fish and fishery products and to prevent unnecessary and excessive fluctuations in such production;

(2) study the economic condition of the industry, and whenever he determines that any segment of the domestic fisheries has been seriously disturbed either by wide fluctuation in the abundance of the resource supporting it, or by unstable market or fishing conditions or due to any other factors he shall make such recommendations to the President and the Congress as he deems appropriate to aid in stabilizing the domestic fisheries;

(3) develop and recommend special promotional and informational activities with a view to stimulating the consumption of fishery products whenever he determines that there is a prospective or actual surplus of such products;

(4) take such steps as may be required for the development, advancement, management, conservation, and protection of the fisheries resources; and

(5) take such steps as may be required for the development, management, advancement, conservation, and protection of wildlife resources through research, acquisition of refuge lands, development of existing facilities, and other means.

(Aug. 8, 1956, ch. 1036, Sec. 7, 70 Stat. 1122.)

/Codification/

/Section was enacted without a subsection (b)./

Sec. 742g. Cooperation with State Department; representation at international meetings; consultations.

(a) The Secretary shall cooperate to the fullest practicable extent with the Secretary of State in providing representation at all meetings and conferences relating to fish and wildlife in which representatives of the United States and foreign countries participate.

The Secretary of State shall designate the Secretary of the Interior or the Assistant Secretary for Fish and Wildlife, or a person designated by the Secretary of the Interior to represent the Department of the Interior, as a member of the United States delegation attending such meetings and conferences and also as a member of the negotiating team of any such delegation.

(b) The Secretary of State and all other officials having responsibilities in the fields of technical and economic aid to foreign nations shall consult with the Secretary in all cases in which the interests of fish and wildlife are involved, with a view to assuring that such interests are adequately represented at all times.

(c) Notwithstanding any other provision of law, the Secretary shall be represented in all international negotiations conducted by the United States pursuant to section 1351 of Title 19, in any case in which fish products are directly affected by such negotiations.

(d) The Secretary shall consult periodically with the various governmental, private nonprofit, and other organizations and agencies which have to do with any phase of fish and wildlife with respect to any problems that may arise in connection with such fish and wildlife. (Aug. 8, 1956, ch. 1036, Sec. 8, 70 Stat. 1123.)

Sec. 742h. Reports to Congress and the President.

(a) The Secretary of the Interior shall make an annual report to the Congress with respect to activities of the United States Fish and Wildlife Service under section 742a-742j of this title, and shall make such recommendations for additional legislation as he deems necessary.

(b) The Secretary is authorized to make a report to the President and the Congress, and, when requested by the United States Tariff Commission in connection with section 1364 of Title 19, or when an investigation is made under the Tariff Act of 1930, the Secretary is authorized to make a report to such Commission, concerning the following matters with respect to any fishery product which is imported into the United States, or such reports may be made upon a request from any segment of the domestic industry producing a like or directly competitive product--

(1) whether there has been a downward trend in the production, employment in the production, or prices, or a decline in the sales, of the like or directly competitive product by the domestic industry; and

(2) whether there has been an increase in the imports of the fishery products into the United States, either actual or relative to the production of the like or directly competitive product produced by the domestic industry.

(Aug. 8, 1956, ch. 1036, Sec. 9, 70 Stat. 1123.)

Sec. 742i. Effect on rights of States and international commissions.

Nothing in sections 742a-742j of this title shall be construed (1) to interfere in any manner with the rights of any State under the Submerged Lands Act or otherwise provided by law, or to supersede any regulatory authority over fisheries exercised by the States either individually or under interstate compacts; or (2) to interfere in any manner with the authority exercised by any International Commission established under any treaty or convention to which the United States is a party. (Aug. 8, 1956, ch. 1036, Sec. 10, 70 Stat. 1124.)

Sec. 742j. Appropriations.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 742a-742j of this title. (Aug. 8, 1956, ch. 1036, Sec. 11, 70 Stat. 1124.)

Sec. 742k.[2/] Management and disposition of vessels and other property acquired and arising out of fishery loans or related type of activities.

For the purpose of facilitating administration of, and protecting the interest of the Government in, the fishery loan fund established by section 742c of this title and any related type of activities relating to fisheries for which the Department of the Interior is now or may hereafter be responsible, the Secretary of the Interior, notwithstanding any other provision of law, may hereafter administer, complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, assign, or sell upon such terms and conditions as he may deem most advantageous to the United States, any vessel, plant, or other property acquired by him or on behalf of the United States and arising out of any fishery loan or any related type of activity by the Secretary of the Interior. The Secretary may use any of the applicable funds in each particular instance for the aforesaid purposes. (Sept. 13, 1961, Pub. L. 87-219, 75 Stat. 493.)

2/This section was not enacted as a part of the Fish and Wildlife Act of 1956 nor as an amendment to it. The section pertains to section 4 of the Fish and Wildlife Act of 1956, however, and is codified with it.

MS #1324

Created in 1849, the Department of the Interior—America's Department of Natural Resources—is concerned with the management, conservation, and development of the Nation's water, fish, wildlife, mineral, forest, and park and recreational resources. It also has major responsibilities for Indian and Territorial affairs.

As the Nation's principal conservation agency, the Department works to assure that nonrenewable resources are developed and used wisely, that park and recreational resources are conserved for the future, and that renewable resources make their full contribution to the progress, prosperity, and security of the United States—now and in the future.

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